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4 Attorney for Defendant  
Fernando Magana-Mendoza  
5

6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
The Honorable Salvador Mendoza, Jr.

8 United States of America,

9 Plaintiff,

No. 1:18-CR-2056-SMJ

10 v.  
11 Fernando Magana-Mendoza,  
12

Defendant.

**Ex Parte Motion for Withdrawal  
and Substitution of Counsel**

**Expedited Hearing Requested**

13 Undersigned counsel moves the Court for an ex parte order allowing him to  
14 withdraw as counsel of record and appointing alternate counsel to represent Fernando  
15 Magana-Mendoza.

16 On November 7, 2018, this Court appointed the Federal Defenders of Eastern  
17 Washington and Idaho to represent Mr. Magana-Mendoza in this case, in which he is  
18 charged with one count of unlawful reentry into the United States in violation of 8  
19 U.S.C. § 1326. ECF Nos. 4, 11. Counsel has reviewed discovery with Mr. Magana-  
20 Mendoza and met with him several times to discuss his case.

1       On November 27, 2018, it came to defense counsel's attention that the Federal  
2 Defenders have a conflict of interest in Mr. Magana-Mendoza's case. Undersigned  
3 counsel currently represents a client who has interests directly adverse to those of Mr.  
4 Magana-Mendoza. These adverse interests just became known to counsel and will  
5 prevent counsel from advocating certain positions beneficial to Mr. Magana-Mendoza,  
6 as doing so would violate his ethical duties to another client. Based upon this conflict,  
7 counsel cannot fully and zealously represent Mr. Magana-Mendoza.

8       Counsel therefore requests that the Court allow him to withdraw and appoint  
9 counsel from the Criminal Justice Act (CJA) panel to represent Mr. Magana-Mendoza.  
10 Given Mr. Magana-Mendoza's Sixth Amendment rights to counsel and to a speedy  
11 trial, and given that there are imminent filing deadlines in his case, he respectfully  
12 requests that the Court hear his request on an expedited basis.

13

14       Dated: November 28, 2018.

15       By s/ Jeffrey S. Dahlberg  
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